

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-2(c)

**PELLEGRINO & FELDSTEIN, LLC**

**290 Route 46 West**

**Denville, NJ 07834**

**By: Deborah Feldstein, Esq.**

**(973) 586-2300**

**Attorney for Movant: TLOA of NJ, LLC**



Order Filed on May 6, 2024

by Clerk

U.S. Bankruptcy Court

District of New Jersey

**In Re:**

**BRENDA L. McCANN**

**Case No.: 23-16067**

**Adv. No.:**

**Hearing Date: April 16, 2024**

**Judge: Andrew B. Altenberg**

**ORDER RESOLVING MOTION TO VACATE STAY**

The relief set forth on the following pages, number two (2) through two (2), is hereby **ORDERED**.

**DATED: May 6, 2024**

  
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Honorable Andrew B. Altenberg, Jr.  
United States Bankruptcy Court

**ORDER RESOLVING MOTION TO VACATE STAY**

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**THIS CASE**, having been filed in the District of New Jersey and having been assigned to The Honorable Andrew B. Altenberg, Camden Vicinage, and counsel for TLOA of NJ, LLC, with the appearance of Rex Roldan, Esq. on behalf of the debtor, and this order having been filed with the Court and served upon the debtor and her attorney under the seven day rule with no objections having been received as to the form or entry of the order, and for good cause shown;

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. Movant purchased a tax sale certificate encumbering the real property located at 1018 Swedesboro Road, Franklin, New Jersey on April 21, 2020.
2. Debtor filed a bankruptcy petition assigned case number 23-16067 on July 17, 2023.
3. The Movant, TLOA of NJ, LLC, has moved for stay relief. The parties, by counsel, have agreed that the Movant's Motion for Stay Relief is be resolved as follows:
4. The debtor will make timely payment of the full amount due for all quarterly taxes as they come due on the property at 1018 Swedesboro Road, Franklin, New Jersey.
5. The debtor will make timely payment Trustee payment each month as required by the debtor's Chapter 13 Plan.
6. If the debtor fails to make payment of the taxes as specified above or fails to make any regular monthly Trustee payment as set forth above within thirty (30) days of the date the payments are due, then the Movant may obtain an Order Vacating the Automatic Stay as to the collateral, the real property at 1018 Swedesboro Road, Franklin, New Jersey by filing, with the Bankruptcy Court, a Certification specifying the debtor's default in failing to comply with the terms of this Order. At the time the Certification outlining the default is filed with the Bankruptcy Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor and the Debtor's attorney. If the bankruptcy case is dismissed, or the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Movant's opportunity to proceed against its collateral, 1018 Swedesboro Road, Franklin, New Jersey without further Order of the Bankruptcy Court. The parties consent to the entry of this Consent Order and are properly before this Court, and this Court has proper jurisdiction over this proceeding.
7. Lastly, the Movant, TLOA of NJ, LLC will amend it's Proof of Claim to add the post petition tax payments for the third quarter of 2023 and the first quarter of 2024 paid by the Movant for the property at 1018 Swedesboro Road, Franklin, New Jersey to it's proof of claim. The debtor will amend it's Plan if and as necessary to comply with this Order.

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**BASED UPON THE FOREGOING FINDINGS OF FACT AND CONCLUSIONS OF LAW, IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:**

1. The debtor shall make timely tax payments and Trustee payments as outlined in this Order.
2. By entering into this Order the debtor does not waive any rights she may have to object to the substance of the Movant, TOLA of NJ, LLC's claim.